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CLERK OF U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

James G. Garcia
 PrisonerID#: K-26584
 Ironwood State Prison
 P.O. Box 2199
 Blythe, CA 92226

Plaintiff, In pro se

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES G. GARCIA,

Plaintiff,

v.

BEN CURRY, Warden, et al.,

Defendant's,

Case No. CV 07-6262 CRB (PR)

OBJECTION

Plaintiff James G. Garcia, objects to Respondents motion for Wavier of Reply, wherefore, Court found cognizable evidence on April 18, 2008 to support Plaintiff's claims pursuant to 28 U.S.C. § 1915A(a), and § 1915A(a), thus it would be a waste of Courts time to review Plaintiffs claim's again.

Therefore, Plaintiff Objects to Respondents motion of wavier of reply, and Plaintiff further requests that Court make an order compelling Respondents to reply no later than 90 days of Courts order executed on this 14th day of July 2008.

Respectfully submitted,



James G. Garcia
 Plaintiff. In pro se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES G. GARCIA,

v.

Case No. CV 07-6262 CRB (PR)

BEN CURRY, Warden, et al.,


PROOF OF SERVICE

I hereby declare that on July 14, 2008, I served a copy of the attached OBJECTION by placing a copy in a postage paid envelope addressed to the person(s) hereinafter listed, by surrendering said envelope to the staff at Ironwood State Prison entrusted with the logging and mailing of inmate legal mail:

Office Of The Clerk, U.S. District Court
Northern District of California
450 Golden Gate Avenue
San Francisco, CA 94102

Office Of The Attorney General
Department Of Justice
455 Golden Gate Avenue, Suit 1100
San Francisco, CA 94102-7004

I declare under penalty of perjury that the forgoing is true and correct.



A handwritten signature in black ink, appearing to read 'James G. Garcia', is written over a horizontal line.

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 THOMAS S. PATTERSON
Supervising Deputy Attorney General
5 LILY A. KORMAN, State Bar No. 242688
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8 Email: Lily.Korman@doj.ca.gov

9 Attorneys for Defendants A. Tucker, B. Curry, V.
Khan, D. N. McCall, and A. E. Roberts
10

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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **JAMES G. GARCIA,**

16 Plaintiff,

17 v.

18 **BEN CURRY, Warden, et al.,**

19 Defendants.
20

C 07-6262 CRB (PR)

**DEFENDANTS' WAIVER OF
REPLY AND DEMAND FOR
JURY TRIAL**

21 **WAIVER OF REPLY**

22 Defendants A. Tucker, B. Curry, V. Khan, D. N. McCall, and A. E. Roberts waive their
23 right to reply to Plaintiff's complaint, and plan to file a responsive motion within ninety days of
24 the Court's order screening the complaint under 28 U.S.C. § 1915A. (Order Service, April 18,
25 2008). Under the Prison Litigation Reform Act, a defendant in a prisoner suit may waive the
26 right to reply without admitting the complaint's allegations. 42 U.S.C. § 1997(e)(g). The court
27 may not grant the plaintiff any relief unless a reply has been filed. *Id.* And the court may order a
28 defendant to file a reply only "if it finds that the plaintiff has a reasonable opportunity to prevail

1 on the merits." *Id.*

2 **DEMAND FOR JURY TRIAL**

3 Defendants A. Tucker, B. Curry, V. Khan, D. N. McCall, and A. E. Roberts
4 demand a trial by jury in this case.

5
6 Dated: June 30, 2008

7 Respectfully submitted,

8 EDMUND G. BROWN JR.
Attorney General of the State of California

9 DAVID S. CHANEY
Chief Assistant Attorney General

10 FRANCES T. GRUNDER
Senior Assistant Attorney General

11 THOMAS S. PATTERSON
Supervising Deputy Attorney General

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15 LILY A. KORMAN
16 Deputy Attorney General
17 Attorneys for Defendants A. Tucker, B. Curry, V. Khan, D. N.
18 McCall, and A. E. Roberts

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **J. G. Garcia v. B. Curry, et al.**

No.: **C 07-6262 CRB (PR)**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 30, 2008, I served the attached

DEFENDANTS' WAIVER OF REPLY AND DEMAND FOR JURY TRIAL

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

James G. Garcia, K-26584
Ironwood State Prison
P.O. Box 2229
Blythe, CA 92226
Pro Per

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 30, 2008, at San Francisco, California.

T. Oakes

Declarant

/s/ T. Oakes

Signature

ELLSWORTH, W. 2000
Ironwood State Prison
P.O. Box 2199, D3-149
Blythe, CA 92226

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NORTHERN DISTRICT OF CALIFORNIA
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